

3737



Re the Application of

Group Art Unit: 3737

Examiner: Ruth Smith

For: **PATIENT INFUSION SYSTEM
FOR USE WITH MRI**

Sir:

Applicants hereby submit copies of the references listed on the attached PTO-1449 for consideration in the present case to comply with 37 CFR §1.56. References A-M were previously referred to in, but not submitted with, the Fifth Supplemental IDS of January 24, 2006, as Reference Cite Nos. AZ-BL, under the heading “The Following Documents Include Confidential Information Pursuant To Protective Order and Have Not Been Submitted.” References N-AA were previously referred to in, but not submitted with, the Fourth Supplemental IDS of April 22, 2005, as Reference Cite Nos. 1R-14R.

The parties subject to the Protective Order have subsequently agreed to waive the confidentiality of these documents and to permit Applicants to submit them to the Patent Office.

03/17/2006 JBALINAN 00000136 195029 09545582

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20331, on March 15, 2006.

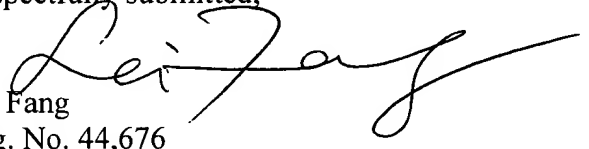
Lei Fang, Reg. No. 44,676

The citation of this information does not constitute an admission of priority or that any cited item is available as a reference, or a waiver of any right the applicant may have under applicable statutes, Rules of Practice in patent cases, or otherwise.

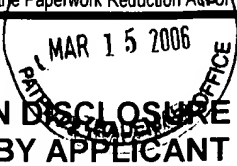
Since this Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance. Please charge Deposit Account 19-5029 in the amount of \$180.00 in payment of the fee under 37 CFR § 1.17(p). Please credit or debit Deposit Account 19-5029 as further necessary to ensure consideration of the disclosed information. Two duplicated copies of this paper are attached.

Consideration of the foregoing and enclosures plus the return of a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP §609 are earnestly solicited.

Respectfully submitted,


Lei Fang
Reg. No. 44,676

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996
(404) 853-8000
Our Docket: 23578-0010

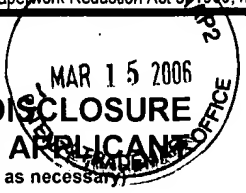
Substitute for form 1449/PTO				Complete if Known		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number		09/545,582		
		Filing Date		April 7, 2000		
		First Named Inventor		Arthur E Uber III		
		Art Unit		3737		
		Examiner Name		Ruth Smith		
Sheet	1	of	3	Attorney Docket Number		23578-0010

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the articles (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A	Report of Robert Lee, Ph.D., Under Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, filed on behalf of Tyco Healthcare Group LP <i>et al.</i> , submitted on 05/16/03 and exhibits thereto, including Exhibit B, various pages from an Alpha Wire Company document, dated 3/8/00.	
	B	Report of Tyco expert Robert A. Bell, Ph.D., filed on behalf of Tyco Healthcare Group LP <i>et al.</i> , submitted on 05/20/03	
	C	Expert Report of Robert A. Bell, M.D., filed on behalf of Tyco Healthcare Group LP <i>et al.</i> , submitted on 02/14/05 and exhibits thereto	
	D	Defendants' Memorandum in Support of Defendants' Motion for Summary Judgment of Invalidity of the Asserted Claims of U.S. Patent No. RE. 37,602 Under 35 U.S.C. § 112, ¶ 1 and exhibits thereto, submitted on 04/25/05	
	E	Defendants' Memorandum in Support of Defendants' Motion for Summary Judgment of Invalidity of the Asserted Claims of U.S. Patent No. RE. 37,602 Under 35 U.S.C. § 103 and exhibits thereto, submitted on 04/25/05	
	F	Defendants' Memorandum in Support of Defendants' Motion for Summary Judgment of Invalidity of the Asserted Claims of U.S. Patent No. RE. 37,602 Under 35 U.S.C. § 102(b) for being "On Sale" and exhibits thereto, submitted on 04/25/05	
	G	Defendants' Memorandum in Support of Defendants' Motion for Summary Judgment of Invalidity of U.S. Patent No. RE. 37,602 Based on Prior Public Use and exhibits thereto, submitted on 04/25/05	
	H	Defendants' Memorandum in Opposition to Medrad's Motion for Summary Judgment of No Invalidity Based on the Saini Article and the 1987 Magnetic Resonance Injector Operation Manual and exhibits thereto, submitted on 05/27/05	
	I	Defendants' Memorandum in Opposition to Medrad's Motion for Summary Judgment of No Invalidity of Claims 9, 33, and 38 under 35 U.S.C. § 102 Based on Medrad's EM-1 Prototype Injector and exhibits thereto, submitted on 05/27/05	
	J	Defendants' Reply in Support of Their Motion for Summary Judgment of Invalidity of U.S. Patent No. RE 37,602 Based on Prior Public Use and exhibits thereto, submitted on 06/13/05	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if references considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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		Art Unit		3737	
		Examiner Name		Ruth Smith	
Sheet	2	of	3	Attorney Docket Number 23578-0010	

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	K	Defendants' Reply Memorandum in Support of Their Motion for Summary Judgment of Invalidity of the Asserted Claims of U.S. Patent No. RE. 37,602 Under 35 U.S.C. § 112, ¶ 1, submitted on 06/13/05		
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	M	Defendants' Reply in Support of Their Motion for Summary Judgment of Invalidity of the Asserted Claims of U.S. Patent No. RE. 37,602 Under 35 U.S.C. § 103 and exhibits thereto, submitted on 06/13/05		
	N	Liebel-Flarsheim Company, Drawing No. 256578 entitled "Cable, 4 Pair Conductors," September 3, 1986 (MAL-PIT-046465)		
	O	Liebel-Flarsheim Company, "CT 9000 Auxiliary Input/Output Specification" December 12, 1991, 9 pages (MAL-PIT-046601-09)		
	P	Liebel-Flarsheim Company, "Angiomat 6000 Digital Injection System, Installation and Service Manual 601910," January 1992, (MAL-PIT-046614-046821)		
	Q	Liebel-Flarsheim Company, "Angiomat CT Digital Injection System 115 V., Installation and Service Manual for M3 Models," December 1, 1988, (MAL-PIT-046822-046954)		
	R	Liebel-Flarsheim Company, "List Price Schedule CT 9000 Injectors," November 1, 1992 (revised 7/1/93), 2 pages (MAL-PIT-024162- 024163)		
	S	Liebel-Flarsheim Company, Drawing No. 256593 entitled "Cable, 14 Conductor, Shielded," May 15, 1989 (MAL-PIT-024127)		
	T	Liebel-Flarsheim Company, Drawing No. 600126, 600159, 600163, 600190-600194 entitled "Cable Ass'y. Console Ext. F1. 5-100 Ft.," 1989 (MAL-PIT-024128)		
	U	Liebel-Flarsheim Company, Drawing No. 600165, 600168, 600200-600204, entitled "Cable Ass'y. Head Ext. F1. 20-100 Ft.," 1989 (MAL-PIT-024129)		
	V	Liebel-Flarsheim Company, Drawing No. 600126, 600159, 600163, 600190-600194 entitled "Cable Ass'y. Console Ext. F1. 5-100 Ft.," 1989 (MAL-PIT-024130)		
	W	Liebel-Flarsheim Company, Drawing No. 600111, 600114, 600195- 600199 entitled "Cable Ass'y. Head Ext. F. H. 20-100 Ft.," 1989 (MAL-PIT-024131)		
	X	Liebel-Flarsheim Company, Drawing No. 800105 entitled "Cable Assembly 15 Pos. D. Shell, SOFT," September 21, 1993 (MAL-PIT-024132)		

Examiner Signature		Date Considered	
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(Use as many sheets as necessary)

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Application Number	09/545,582
Filing Date	April 7, 2000
First Named Inventor	Arthur E Uber III
Art Unit	3737
Examiner Name	Ruth Smith
Attorney Docket Number	23578-0010

Sheet	3	of	3
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Examiner
Signature

Date
Considered

In Re the Application of Arthur E Uber III, et al.

Group Art Unit: 3737

Application No.: 09/545,582

Examiner: Ruth Smith

Filed: April 7, 2000

Confirmation No.: Unknown

For: PATIENT INFUSION SYSTEM FOR USE WITH MRI

THE FOLLOWING IS

Cite No. E

**ON THE ENCLOSED FORM PTO-1449
WHICH IS PART OF THE FIFTH
SUPPLEMENTAL INFORMATION
DISCLOSURE STATEMENT**